

N.D.A.G. Letter to Eiken (Oct. 17, 1986)

October 17, 1986

Mr. Doug Eiken
Director
North Dakota Parks and Recreation Department
Pinehurst Office Park
1424 West Century Avenue
Suite 202
Bismarck, ND 58501

Dear Mr. Eiken:

Thank you for your letter of September 26, 1986, concerning special assessments and state agencies.

N.D.C.C. § 40-23-22 states as follows:

40-23-22. STATE PROPERTY SUBJECT TO SPECIAL ASSESSMENTS. Real estate within municipalities of this state owned by the state of North Dakota other than for highway right-of-way purposes, may be subjected to special assessments for special improvements when benefited by such improvement and the state agency or department having control thereof is hereby authorized to expend public funds in payment of such special assessments.

Assuming the donated property is within the city of Grafton, the North Dakota Parks and Recreation Department is subject to special assessments for special improvements when benefited by improvements. However, authorization in the form of an appropriation of funds to pay for the special assessments is necessary.

According to the city of Grafton special assessment statements, as provided with your letter, the special assessments for the donated property appear to be for the year 1985. Unless it is part of the agreement with the donating party for the Parks and Recreation Department to pay the 1985 special assessments for the property, and legislative appropriation is obtained to make that 1985 payment, the Department has no obligation to pay 1985 special assessments, nor any obligation to pay special assessments, until it becomes a record title holder of the property.

Sincerely,

Nicholas J. Spaeth

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